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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00450 MJJ
Plaintiff,)	STIPULATION AND PROPOSED
v.)	ORDER CONTINUING STATUS
FRANK W. BUCKENMEYER,)	HEARING AND EXCLUDING TIME
Defendant.)	FROM SEPTEMBER 16, 2005 TO
)	DECEMBER 16, 2005 FROM THE
)	SPEEDY TRIAL ACT CALCULATION
)	(18 U.S.C. § 3161(h)(2))
)	OAKLAND VENUE

The parties are scheduled to appear before the Court for status on September 16, 2005. With the agreement of the parties, and with the consent of the defendant, the Court enters this order (1) continuing the hearing for status from September 16, 2005 to December 16, 2005 at 2:30 p.m., before the Honorable Martin J. Jenkins; and (2) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(2), from September 16, 2005 to December 16, 2005. The parties agree, and the Court finds and holds, as follows:

1. Defendant Frank W. Buckenmeyer is eligible for pretrial diversion. The parties have

STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING STATUS HEARING AND EXCLUDING TIME FROM SEPTEMBER 16, 2005 TO DECEMBER 16, 2005 FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161(h)(2))
 No. CR 05-00450 MJJ

1 therefore agreed to enter into a diversion contract, providing for deferral of prosecution by the
2 Government for the purpose of allowing the defendant to demonstrate his good conduct.


3 2. Counsel for the defense believes that taking the status hearing off calendar and
4 continuing the matter for another three months is in his client's best interest. The parties are in
5 the process of requesting Pretrial Services to accept the case for pretrial diversion. The parties
6 will confirm before the next hearing whether the defendant was, in fact, accepted by Pretrial
7 Services for pretrial diversion. If so, the parties will request a further continuance for another
8 nine months, to allow the defendant to complete the remainder of his pretrial diversion.

9 3. The defendant agrees to an exclusion of time under the Speedy Trial Act to allow
10 deferral of prosecution by the Government for the purpose of allowing the defendant to
11 demonstrate his good conduct.

12 4. Accordingly, and with the consent of the defendant, the Court orders that the period
13 from September 16, 2005 to December 16, 2005 be excluded from Speedy Trial Act calculations
14 under 18 U.S.C. § 3161(h)(2).

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16 IT IS SO STIPULATED.

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18 DATED: 9/14/05



CANDICE K. JAN
Special Assistant United States Attorney

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20
21 DATED: 9/15/05


JEROME MATTHEWS
Attorney for FRANK W. BUCKENMEYER

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23 IT IS SO ORDERED.

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25 DATED: 9/16/2005


HON. MARTIN J. JENKINS
United States District Court Judge

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28 STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING STATUS HEARING AND
EXCLUDING TIME FROM SEPTEMBER 16, 2005 TO DECEMBER 16, 2005 FROM THE
SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161(h)(2))
No.CR 05-00452 MJJ